

69.1**TITLE: CRIMINAL INVESTIGATION
PROCEDURES****CODIFIED: 69.1****EFFECTIVE: 09/01/09****PAGES: 49****PURPOSE**

The purpose of this directive is to provide policy and general procedures for the conduct of the investigative function.

DISCUSSION

The investigative function is a necessary requirement to solving crime. Investigations begin upon the first notification that a crime may have been committed. Investigations end when the case is solved and the perpetrator is arrested, prosecuted or the case is otherwise satisfactorily resolved. Cooperation is vital to effective investigative efforts.

POLICY

It is the policy of the Department to utilize the integrated resources of the investigative and patrol functions to arrest, convict perpetrators, and to recover stolen property.

PROCEDURE**69.1.01 Duties and Responsibility****A. Section Commander**

1. The Investigations Section is Commanded by a Sergeant who is responsible for investigation of major criminal activity, juvenile offenses, narcotic offenses, and the gathering intelligence information.
1. .

B. Goals and Objectives

1. The sergeant will review the goals and objectives each year and will submit a report to the Deputy Chief containing their recommendations for the updating of the Units goals and objectives.
2. The Sergeant will provide the Deputy Chief a written evaluation on a quarterly basis of each year as to the progress of the unit in reaching the established goals and objectives.

C. Monthly/Weekly Reports

1. The Sergeant is responsible to ensure that each detective under his/her command submits a monthly activity report covering the types of cases they were assigned, how many were cleared and how many arrests were made.
2. The Sergeant is responsible for ensuring that each detective under his/her command submits a weekly activity report detailing the detective's activities. Reports may be submitted prior to briefing on the first day of the following week if extenuating circumstances exist (sickness, overtime, etc.) and the detective is not going on days off. This will require supervisor approval on a case by case basis.

D. Reports

1. The Sergeant is responsible for the review and approval of all reports generated by detectives under their command and to take corrective actions as necessary to ensure these reports are clear, concise and accurate.

69.1.02 Preliminary Investigations

A. Detectives of the Criminal Investigations Section will conduct preliminary investigations as required. These investigations will include:

1. Document all observations of events that occur, conditions that exist, and remarks made while conducting a preliminary investigation.
2. Locating and identifying victims and witnesses.

Exhibit B

- b. Determine possible areas in training that need to be addressed department wide, which will be referred to the Training Officer.

69.1.17 Background Investigations

- A. During the course of a criminal investigation, it may become necessary to do a background investigation into a person(s) involved in the case. When a background investigation is to be done, the reasons for this investigation will be included in the investigator's report. When this situation arises, the following guidelines will be used:
 1. Potential sources for this type of investigation include, but are not limited to:
 - a. Financial institutions
 - b. Past employers
 - c. N.C.I.C. Triple I reports
 - d. Past and present friends of the person under investigation
 - e. Other law enforcement agencies
 - f. Public service companies
 - g. Telephone companies.
 - It should be noted that on some occasions search warrants or subpoenas may be required.
 2. The information collected during a background investigation should be used during the investigation of the criminal case and included in the investigator's report.
 3. Information gained during a background investigation will be closely guarded and distributed only to law enforcement agencies or prosecutors as needed. This information should not be considered public information.
 4. Once the criminal investigation and prosecution have been completed, the information gained through the background investigation will be destroyed with the approval of the District Attorney's Office. It should be noted that these background investigations are case specific and not to be

confused with the efforts of any other C.I.D. Unit.

69.1.18 Joint Roll-Call Meetings

- A. In order to provide for better communications between patrol and Criminal Investigations personnel, the following procedures will be followed:
 1. Members of the Criminal Investigations Section will attend the Swing Shift briefing of Patrol Units to:
 - a. Advise patrol of the types of crimes that are the present priorities being investigated by the units and how the patrol officers can assist in the investigations.
 - b. Listen to what the patrol officers are observing in the field and how it could relate to on-going criminal activity.
 - c. Provide two-way communication between patrol and criminal investigation personnel on problems that are arising.
- B. On an as need basis investigators will provide information to patrol personnel concerning specific vehicles and persons being sought in ongoing investigations. They will also distribute composites of unknown suspects whom they are trying to identify.

69.1.19 Preparation of Case Plan

- A. In order to assure that complicated investigations are organized, coordinated and efficient, it will be the policy of the Espanola Police Department to prepare and obtain approval of a case plan before such investigations begin.
- B. A Case Plan will be required any time Espanola Police personnel engage in pro-active enforcement programs, activities involving money expenditures, the extended use of manpower/equipment, and operations that take place outside the jurisdiction of the Espanola Police Department or involve multiple agencies. (This does not include administrative activities that take place outside the

69.1

jurisdiction of this department such as transports or arrests.)

C. A Case Plan is a written document which contains the following information:

1. An explanation of the nature of the operation and its goals.
2. The names, addresses and dates of birth of all identified targets of the operation, including photographs when available.
3. The location(s) where the operation is to take place.
4. The make, model, year, color and license number of all vehicles as they relate to the targets.
5. The names of all departmental personnel involved in the operation and their assignment.
6. Police Department numbers of all informants used in the operation.
7. An estimate of the funds to be expended during the operation, both contingency and informant funds.
8. An estimate of the man hours to be expended during the operation.
9. The dates and times of the operation.
10. The names of all outside agencies and the names of the personnel involved in the operation.

D. The Case Plan will be prepared by the Case/Agent Investigator assigned to the incident. Once the case plan has been prepared, it will be approved through the department chain of Command, Unit Commander, Criminal Investigations Section Commander, and Chief's Office when applicable. At that time, the Case Plan can be implemented.

69.1.20 Contingency Funds

A. The Criminal Investigations Section maintains an account known as contingency funds which provide monies for special circumstances during the course of daily operations. The contingency funds will be maintained and

controlled by the Criminal Investigations Section Lieutenant.

B. Members of the Espanola Police Department who desire to use monies from contingency funds must contact the sergeant in charge of the fund and then complete and get approval of a case plan prior to obtaining funds.

C. The contingency funds of the Espanola Police Department are provided for use during the investigation of criminal activities and are used for the following purposes:

1. The making of cash payments to confidential informants for information that furthers the investigative and law enforcement efforts of the department.
2. The making of cash payments for the purchase of controlled substances in connection with the investigation of narcotic violations.
3. The making of cash payments for the purchase of stolen property in the connection with the investigation of property crime violations.

D. The Investigations Section Sergeant/Lieutenant is responsible for overseeing the use of the contingency funds. The Investigations Section Sergeant is responsible for maintaining the accountability of the actual monies expended.

E. Once a case plan has been approved, a confidential expenditure voucher will be prepared. This voucher will be signed by both the detective involved and the Sergeant/Lieutenant in charge of the fund being used.

F. The monies and a receipt will then be issued. The original receipt will be turned over to the detective. It will be attached to the expenditure voucher and maintained in the detective's file. A copy of this receipt will be maintained by the sergeant in the records of contingency expenditures for the fund.

G. In all situations in which an expenditure is for \$1000.00 or more prior approval will be required from the Chief of Police or his/her designee.

Exhibit B